

Meeting Minutes September 18, 2003

Town of Los Altos Hills City Council Regular Meeting

Thursday, September 18, 2003, 6:00 P.M.
Council Chambers, 26379 Fremont Road

1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Cheng called the Regular Meeting of the City Council to order at 6:05 p.m. in the Council Chambers at Town Hall.

Present: Mayor Cheng, Mayor Pro Tem O'Malley, Councilmembers Fenwick, Kerr and Warshawsky

Absent: None

Staff: City Manager Maureen Cassingham, City Attorney Steve Mattas, Planning Director Carl Cahill, City Engineer/Director of Public Works Mintze Cheng, Administrative Services Director Sarah Joiner, Associate Planner Debbie Pedro and City Clerk Karen Jost

Press: None

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Fenwick and passed unanimously to limit the length of time for public comments to three minutes.

2. APPOINTMENTS AND PRESENTATIONS

2.1 Certificates of Appreciation – Barbara Lamparter, Los Altos Library Commission; Sylvia Leung, Community Relations Committee and Cathie Perga Community Relations Associate Member

Mayor Cheng presented Certificates of Appreciation to recipients Barbara Lamparter and Sylvia Leung. Mayor Cheng thanked them for their years of service to the Town noting that both had served four-year terms in their positions. Cheng added that Barbara Lamparter is still actively volunteering as a member of the Community Relations Committee and Sylvia Leung continues to participate as a volunteer for the Town picnic.

Cathie Perga was unable to attend the meeting and her Certificate will be sent to her.

3. PLANNING COMMISSION REPORT

Planning Director Carl Cahill reported on the Planning Commission Meeting of September 11, 2003. Three items had been reviewed at this meeting. They included: the request for renewal of the Conditional Use Permit for Westwind Barn, the Planning Commissioner will forward to Council with a recommendation for approval; Lands of Dallas, a request for a permit modification to retain above ground utility services, request was denied by the Commission; and Lands of Dubey, a request to modify an approved

condition of approval and substitute the size of required oak trees, request was approved by the Planning Commission.

4. CONSENT CALENDAR

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Fenwick and passed unanimously, to approve the remainder of the consent calendar, specifically;

- 4.1 Approval of Minutes: Regular City Council Meeting September 4, 2003
- 4.2 Review of Disbursements: 08/29/03 – 09/09/03 \$632,551.77
- 4.3 Approval of Revision to Standing Committee Resolution #58-03- Increasing the Membership of the Public Education Committee to 11 Members
Reso #70-03
- 4.4 Approval of a Resolution Authorizing Destruction of Petition for the “Referendum Against An Ordinance Passed by The City Council Resolution No. 103-02” per Elections Code 17200 Reso# 71-03
- 4.5 Approval of a Resolution Authorizing Destruction of Petition for the “Los Altos Hills Open Space and Public Recreation Initiative” per Elections Code 17200 Reso# 72-03
- 4.6 Acceptance of Grant of Open Space Easements; Lands of Bowes; 12859 Normandy Lane Reso#73-03

5. UNFINISHED BUSINESS

5.1 Update on Mayor's Goals

5.1.1 New Town Hall – Status Report

Councilmember Kerr presented a summary to Council of the recent New Town Hall Committee Meeting of July 15, 2003. He reported that Peter Duxbury, project architect, has revised his drawings to reflect the recommendations of the Committee and the final design will be presented to Council at a meeting in October.

Kerr added that the Committee's primary focus at this phase is to bring the project within the budgetary goals that had been set by Council. They are working with TBI, construction consultants, to finalize the budget. Kerr noted that the cost of construction materials has risen since the earlier estimates, and the Committee is investigating the use of alternative materials that could help to address the budget issues.

Mayor Pro Tem O'Malley congratulated Kerr on the successes of the Committee. O'Malley added that the design looks good and neighbors of Town Hall will be invited to a preview of the plans at the October 6th New Town Hall Committee Meeting.

5.1.2 Undergrounding of Utilities – Status Report

Councilmember Warshawsky reported that the Undergrounding Committee is making good progress. They had a recent meeting with Pacific Gas and Electric Company that was also attended by City Manager Maureen Cassingham and City Engineer/Director of Public Works Mintze Cheng. PG&E reported that their calculations show 64 miles of above ground wires while R.W. Beck estimates 50 miles of wires. Warshawsky said the Committee expects Beck's report to be completed in November. The Committee will then move forward with the telephone survey and the informational mailer to Town residents.

5.1.3 Master Pathway Map – Status Report

Dot Schreiner, 14301 Saddle Mountain Drive, reported that the map group has finished their review of easements granted between 1970 and 1982. Les Earnest is preparing a spreadsheet cataloguing their findings. Schreiner explained that the group is keeping the Pathway Committee apprised of their progress.

Schreiner explained that the group is preparing a rough draft of questions for the City Attorney. Examples of questions include: pathway liability responsibility, the status of individual easements that are shown on the map but were never acquired, and the status of Moon Lane. They will share the draft with the Pathway Committee before it is forwarded to Mr. Mattas. Schreiner concluded that it is important to layout a process to finalize the map.

Mayor Cheng thanked Schreiner and the group for their many hours of work on the project. Council concurred.

Ginger Summit, Pathway Committee Vice Chair, noted that Schreiner and the map group's many accomplishments are a great service to the community and they are owed a debt of gratitude. Summit explained that the Committee would like to move to the next phase. Phase 1 has been the documentation of map easements and this task has been undertaken by Schreiner and the map group. Phase 2 consists of matching what easements the Town has with "what is presently on the ground". Phase 3 will be planning the Master Path Map. Summit remarked that what we have now may not be what we want in the future. The Pathway Committee would like to hold small neighborhood meetings for residential input. Pathway Chairman Chris Vargas is making it his priority to bring this project to conclusion with an accurate map.

5.1.4 Storm Water Master Plan – Status Report

5.1.4a Approval of an Agreement between the Town of Los Altos Hills and Nolte Associates, Inc.

City Engineer Mintze Cheng introduced this item to Council. On June 20, 2003, the Council authorized staff to solicit proposals from engineering consulting firms for the preparation of the Stormwater Master Plan for the Town of Los Altos Hills. The proposed agreement before Council is from one of three firms that submitted. Cheng added that Nolte has an experienced and excellent team of professionals. They are

currently working on projects for Atherton, Stanford and Mountain View. Mr. George Otte, Project Manager, was the original designer that reviewed the Town's Master Drainage plan in the 1980's. Staff recommends approval of the agreement for a not-to-exceed amount of \$99,722.00.

Councilmember Warshawsky asked Cheng if references had been contacted. Cheng explained that their reputation in the area is very good. They are presently responsible for developing the Master Plan for Mountain View and are the consultants working with FEMA to do Bay Area flood map revisions. Cheng added that a study session with Council for the final report presentation is included in their scope of work.

Councilmember Kerr asked if this item was included in the budget. Cheng stated that \$60,000 was included in the previous budget and \$40,000 is identified in this year's budget.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Kerr and passed unanimously to approve and execute an agreement between the Town and Nolte Associates for Stormwater Master Plan Professional Services for a not-to-exceed fee of \$99,722.00. Reso#74-03

5.1.5 Visit to China to Explore Business Opportunities –Postponed for
Discussion in Spring 2004

6. NEW BUSINESS

None

7. REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND
COUNCILMEMBERS ON OUTSIDE AGENCIES

Councilmember Fenwick reported on the Community Relations Committee. They are preparing for the Newcomers Welcoming Reception to be held on Sunday October 5 at Mayor Cheng's residence. It promises to be another successful event hosted by the Community Relations Committee.

Mayor Pro Tem O'Malley reported on the Santa Clara Valley Water District Board Meeting. They are projecting rising water costs and do not see any relief in the future. There was also discussion on the frailty of the Hetch-Hetchy water delivery system that serves the Purissima Hills Water District.

Mayor Pro Tem O'Malley also reported on the Ad-Hoc Information Technology Committee's final meeting. The Administrative Services Director reported that the replacement copier had been delivered and was performing above expectations. The Committee reviewed website issues and O'Malley noted there are continued improvements to the Town's website. He thanked John Harpootlian and Bill Kerns for their participation on the Committee. The next issue to be addressed will be the replacement of the server. This will be reviewed after the budget is known.

Mayor Cheng attended the Parks and Recreation Committee. She deferred to Councilmember Kerr for the report. Kerr explained that the Committee reviewed their goals and commitments for the Park Bond monies. The Bullis Park project was discussed and the Committee is recommending that the Town employ a landscape designer or landscape architect to draw some preliminary designs to assist in evaluating the Bullis Park project further.

Councilmember Warshawsky attended the Pathway Committee meeting. He reported that the Westwind Barn pathway is complete. He thanked the City Engineer for her work.

Mayor Cheng reported on the League of California Cities Meeting in Sacramento. It had been a very positive experience. She encouraged the City Council to consider attending next year.

Mayor Cheng reported on the Joint Volunteers Committee Meeting. The Awards Luncheon has been scheduled for December 5th and will be catered by Chef Chu.

Mayor Cheng attended the Parks and Recreation Committee. The Committee discussed the Westwind Barn lease, proposal for improvements at the Little League fields and future recreation programs. The fall programs are going well and the year-round riding program is full.

8. STAFF REPORTS

8.1 City Manager

8.2 City Attorney

8.3 City Clerk

8.3.1 Report on Council Correspondence

9. COUNCIL-INITIATED ITEMS

None

10. PRESENTATIONS FROM THE FLOOR

Eric Clow, Planning Commission Chair, commented in regards to the Closed Session item on the Meeting Agenda for the City Attorney evaluation, he would like to voice his opinion that Steve Mattas is an outstanding and “top notch” attorney and the Town is well served by him.

Clyde Noel, 24160 Dawnridge, expressed his concerns to Council regarding the expansion plans of the Antiochian Church on Magdalena Road. The Church has received County Planning approval to rebuild the structure that was destroyed in the fire and an additional day care center. They are now planning to build a 380 seat banquet room.

Noel is concerned that parking restrictions on Magdalena, imposed by the County, will force Church visitors to park on Los Altos Hills residential streets. Previous Church Festivals have created parking problems on his street. He contacted the sheriff for assistance and was told "those things happen". He is now before Council seeking their help.

Mayor Cheng asked the City Attorney for direction on how the Council could assist the residents.

Mattas recommended that the Council could agendaize this item for discussion. The Town has no jurisdiction as a regulatory authority regarding land use. The project is in the County and under the sphere of influence of the City of Los Altos. The City Council could comment into the process and register their concerns. The Council could also review Town regulations regarding parking on Los Altos Hills streets.

Mayor Pro Tem O'Malley noted that he would like the City Attorney to verify if the process the County used to approve this project was correct because there are questions regarding the appropriate spaces available for parking on the property for the additions and in anticipation of further parking problems for the residents in Los Altos Hills, what options are available to assist them, possibly permitted or restricted parking.

Councilmember Kerr suggested that it might be appropriate to attend the County Planning Commission meeting to voice the Town's concern.

Cyros Gheryi, 27400 and 27360 Elena Road, thanked the Councilmembers that had made a site visit to his property. He expressed his dissatisfaction with the process that the Town has imposed on him to have his project approved. He explained that other projects started at the same time have been completed and sold and his project has been delayed. Mr. Gheryi stated his continuing concerns about drainage issues.

He asked Council for additional time to explain his situation. Council granted him an additional two minutes for comments. Mr. Gheryi continued to voice his disapproval of staff and the Town's approval process. Following his additional time, Council requested that he put his concerns in writing.

Alan Bien, 26540 Conejo Court, distributed a letter to Council. Bien explained he is looking forward to the new Town Hall design and the presentation to the neighbors. He was speaking to Council this evening on another issue that he believes is significant to the neighborhood and that was early noise (pre 8am) at Town Hall. His letter listed names of people Bien said concurred with his wishes for the Council to amend the Code to say "No one in Los Altos Hills shall operate power tools before 8:00 am"

11. PUBLIC HEARINGS

- 11.1 Lands of Pinewood School, 26800 Fremont Road (85-03-ZP-SD-CUP); A request for a Zoning Amendment to exempt synthetic turf material from development area calculations when used in athletic fields at community recreational facilities and schools (Section 10-1.502.b.2 Area)

Planning Director Carl Cahill introduced Associate Planner Debbie Pedro to Council. Pedro explained that Council had before them a proposed zoning ordinance amendment that is being initiated by Pinewood School as part of their Site Development application to replace an existing grass soccer field with a synthetic material. Fieldturf is a new generation of artificial turf that provides an improved play surface and minimal maintenance. The current zoning ordinance counts synthetic turf as development area. The proposed amended ordinance would exempt synthetic turf material only when used on athletic fields in schools and community recreational facilities and does not apply to residential properties. In addition, applications involving synthetic turf fields will require a Conditional Use Permit.

Pedro added that if the zoning amendment is adopted, staff would return to Council with the application from Pinewood School for their Site Development and Conditional Use Permit. At that time, site specific conditions pertaining to Pinewood School including pathway easement dedication and public access to school grounds will be reviewed and discussed.

Planning Director Cahill noted that the product has been reviewed by the Santa Clara County Water District and has been approved for use.

OPENED PUBLIC HEARING

Scott Riches, President of Pinewood School, addressed Council. He explained that the school was seeking this amendment to the Town's code to offer the students a viable option for their playing fields. The school is concerned about the students safety and the aesthetics of the field. Mr. Riches shared a display of the product with Council. It showed the material and the drainage system that is used with the product. Riches added that the cost of the field is approximately \$10 square foot (\$750,000) and has a life expectancy of 8-10 years. At that time, replacement of the top layer is the only requirement and would cost approximately half of the initial expenditure.

Ginger Summit, Pathway Committee Member, stated that this was a nice alternative to the heavy water demands of a playing field of grass. She added that she would like Council to consider public access be included in the Conditional Use Permit when the project returns to Council for review.

Tyler Mosher, 26653 Snell Lane, Pinewood student and soccer team member addressed Council. He has played on the synthetic turf and noted that Pinewood students and athletes would use and enjoy the fields.

CLOSED PUBLIC HEARING

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Kerr and passed by the following roll call vote to adopt the Negative Declaration and to introduce the zoning amendment to exempt synthetic turf material from development area calculations when used in athletic fields at community recreational facilities and schools. Section 10-1.502b.2 of the Los Altos Hills Municipal Code and to waive further reading beyond the title.

AYES: Mayor Cheng, Mayor Pro Tem O'Malley, Councilmember Fenwick,
Councilmember Kerr and Councilmember Warshawsky
NOES: None
ABSENT: None
ABSTAIN: None

Council adjourned to Closed Session at 7:25 p.m.

12. CLOSED SESSION

CLOSED SESSION: Pursuant to Government Code Section 54957: PUBLIC
EMPLOYEE PERFORMANCE EVALUATION

Title: City Attorney

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL – EXISTING
LITIGATION: Government Code Section 54956.9(a): Campbell and Ligeti v. Town of
Los Altos Hills

CLOSED SESSION: Pursuant to Government Code Section 54956.8: Conference with
Real Property Negotiator -

Property: – APN 175-56-3

Agency Negotiators: Maureen Cassingham and Steve Mattas

Negotiating Parties: Town of Los Altos Hills and Purissima Hills Water District

Under Negotiation: Terms and Conditions related to Lease of Property

The City Council reconvened to the Regular City Council Meeting at 7:45 p.m.

The City Council provided direction to staff and no action was taken.

13. ADJOURNMENT

The Regular City Council Meeting of September 18, 2003 was adjourned at 7:45 p.m.

Respectfully submitted,

Karen Jost
City Clerk

The minutes of the Regular City Council Meeting of September 18, 2003 were approved at the Regular City Council Meeting of October 2, 2003.